

Applicants: Costa et al.  
USSN : 10/557,586  
Filed : March 3, 2006  
Examiner : Nora M. Rooney  
Page : 4

Atty. Dkt. No. : 1136-PCT-US  
Art Unit : 1644  
Date of office action: June 2, 2009  
Date of response : Dec. 2, 2009

## **REMARKS**

### **Claims Status**

Claims 14-28 are pending, and claims 8-10 had previously been withdrawn from consideration.

To facilitate the prosecution of the present application, claims 8-10 and 14-28 are now cancelled without prejudice to Applicants' right to pursue the subject matter contained therein in a future application. Claims 29-33 are newly added. Support for claims 29-33 can be found, *inter alia*, in previously presented claims 14-28. Hence, Applicants submit that no new matter has been added.

### **Claim Objection**

Claims 16 and 25-28 are objected to as being dependent upon a rejected base claim. However, the examiner has stated that they would be allowable if rewritten in independent form, including all of the limitations of the base claim (former claim 14).

Applicants submit that the previously presented claim 16 has been rewritten to include the limitations of the previously presented base claim 14. Claim 29 now recites "*a multimer protein molecule comprising amino acid sequences SEQ ID NO:4 and SEQ ID NO:2*".

### **Rejection Under 35 U.S.C. § 103**

Claims 14-15 and 17-24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Vrtala et al. in view of Columbo et al. Claims 14-15 and 17-24 have been cancelled without

Applicants: Costa et al.  
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Page : 5

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prejudice to the Applicants' right to pursue the subject matter claimed therein. Therefore this rejection is rendered moot.

Claim 29 is drawn to a multimer protein molecule comprising amino acid sequences SEQ ID NO:4 and SEQ ID NO:2. Applicants submit that neither Vrtala et al. nor Columbo et al. teach or suggest a multimer protein molecule comprising amino acid sequences SEQ ID NO:4 and SEQ ID NO:2. Since the combination of Vrtala et al. and Columbo et al. does not teach each and every aspect of the present invention, claim 29 and its dependent claims are non-obvious in view of the cited references.

Applicants: Costa et al.  
USSN : 10/557,586  
Filed : March 3, 2006  
Examiner : Nora M. Rooney  
Page : 6

Atty. Dkt. No. : 1136-PCT-US  
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**CONCLUSION**

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

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